

28 JAN 1976

MEMORANDUM

SUBJECT: Church Committee Oversight Bill

STATINTL

We agree with [REDACTED] comment of 26 January of the new draft of an oversight bill from the Church Committee staff (24 January) is a step backward. Our comments on the bill follow:

a. It seems undesirable to entitle the bill with the word "Oversight" and to refer to "vigilant legislative oversight," as in section 2. We know of no statute which utilizes the term "oversight" in this way. The House recommendation also embodies the term and is objectionable for the same reasons.

b. Section 3 is constitutionally defective in that it would authorize one body of the Congress to change the rules of that body which were established by a statute.

c. Limiting a Senator to only six years on the Committee on Intelligence Activities, as provided in section 4, is objectionable. Intelligence activities and intelligence functions are novel and difficult and it takes time for one to acquire expertise.

d. It is highly undesirable to have both foreign and domestic intelligence activities within the jurisdiction of one committee (see section (s)(1)b., page 3). The two subjects are quite different, and there are different legal, practical and political considerations for the two.

e. The proposal, on page 3, placing authorizations for CIA appropriations within the jurisdiction of the Committee on Intelligence Activities almost certainly would disclose CIA budgets and therefore is objectionable.

f. The proposal at (s)(2) at the bottom of page 3 concerning exclusive and concurrent jurisdictions is not clear.

g. The proposal at (i) on page 4 that service of a Senator on the Committee on Intelligence Activities would not be taken into account in determining the committees on which a Senator serves downgrades the importance of the Committee.

h. Section 8(a) should be amended to require secrecy agreements.

i. Section 8(b) is objectionable in that it would require consultation with the Director on security clearances for employees of any agency, including those whose responsibility is in the area of domestic intelligence only.

j. Section 10(a) is constitutionally defective in its effort to authorize the Committee to disclose information classified by the executive branch.

k. Section 10(a) would operate so as to permit five Senators to override a decision of the President, and therefore is highly objectionable.

l. Section 11 appears unnecessary.


m. Section 12 fails to deal with the probable time lapse which will occur between expiration of the Church Committee and the establishment of any new oversight committee.

n. The term "notwithstanding any provision of law" in subsection 13(a) and (b) would probably negate the sources and methods provision of the National Security Act and should be deleted. In the fourth line of 13(b) the word "any" should be deleted, since it is simply too broad in that form.

o. Subsection 13(c) would violate the separation of powers concept. In any event the bill also should repeal section 662 of the Foreign Assistance Act.

p. The language of a proposed section 14 is not included but we understand it would result in the disclosure of budget totals and therefore is objectionable.

q. In keeping with the objection of the concept of one oversight committee for both foreign and domestic intelligence, the definition in section 15 should be modified so that the term "intelligence activities" would cover only foreign intelligence activities.


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